

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:  
Walter D. Leake : Case No.14-23894GLT  
Deane L. Cicconi aka Deana L. : Chapter 13  
Cicconi-Leake :  
Debtor(s) :  
Wilmington Savings Fund Society, FSB :  
As trustee of Upland Mortgage Loan : Related to Document #60  
Trust A :  
Movant(s) :  
Hearing Date 10/08/2019  
vs. :  
Walter D. Leake :  
Deane L. Ciccone aka Deana L. :  
Cicconi-Leake, and Ronda J. :  
Winnecour :  
Respondent(s)

TRUSTEE'S RESPONSE TO MOTION TO ALLOW CLAIMS

Ronda J. Winnecour, Chapter 13 Trustee, by her undersigned counsel,  
respectfully represents the following:

1. This case was filed on September 26, 2014.
2. Ronda J. Winnecour is the Chapter 13 Standing Trustee in this case.
3. At the time of case filing, Citimortgage held the first mortgage lien position. Citimortgage filed no proof of claim.
4. The second position lien creditor, a proof of claim for which was filed First Mutual Bank, was avoided by Debtor and the Trustee made no disbursements to date on account of the First Mutual Bank claim.
5. The Trustee disbursed to Citimortgage per the confirmed plan. The Trustee paid the pre-petition arrears of \$14,500.00 in full and paid \$26,511.16 on account of post-petition payments.
6. Citimortgage ultimately returned distributions to the Trustee together with a letter dated July 31, 2017 stating that "[t]he lien securing the mortgage of the loans

below will be released, if applicable, and CifiFinancial has forgiven the balance of the note." A true and correct copy of the letter is attached as "Exhibit A."

7. The Trustee then placed distributions to Citimortgage on reserve.

8. The Trustee is uncertain why a letter returning the funds payable to Citimortgage would have been sent by Citifinancial instead of Citimortgage. But, nonetheless, the funds were returned with an express written statement that the lien would be satisfied.

9. Now, a creditor purporting to be a successor in interest to the first position lien creditor has filed a motion to allow the filing of a claim.

10. Entitlement to the funds has already been disavowed and the creditor has reported to the Trustee, in writing, that the lien would be satisfied.

11. Further, the proof of claim attached to the motion mentions nothing of the pre-petition arrears paid per the plan. If the motion is allowed, the Trustee request that the approval be conditioned on a refund of the \$14,500.00 in pre-petition arrears already paid.

WHEREFORE, the Trustee requests that the Motion to Allow Claims is denied.

RONDA J. WINNECOUR,  
CHAPTER 13 TRUSTEE

Date: 09/06/19

by     /s/ Jana S. Pail      
Jana S. Pail - PA I.D. #88910  
Attorney for Trustee  
US Steel Tower – Suite 3250  
600 Grant St.  
Pittsburgh, PA 15219  
(412) 471-5566  
jpail@chapter13trusteewdpa.com

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CERTIFICATE OF SERVICE

I hereby certify that on the 06<sup>th</sup> of September 2019, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire  
Assistant U.S. Trustee  
Suite 970, Liberty Center  
1001 Liberty Avenue  
Pittsburgh PA. 15222

James C. Warmbrodt, Esquire  
KML Law Group P.C.  
BNY Mellon Independence Center  
701 Market Street Suite 5000  
Philadelphia PA 19106

Walter Leake  
Deana L. Cicconi  
149 Main Street  
Smock PA 15480

Daniel White, Esquire  
18 Mill Street Square  
PO Box 2123  
Uniontown PA 15401

/s/Dianne DeFoor  
Office of Chapter 13 Trustee  
US Steel Tower – Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 471-5566  
cmecf@chapter13trusteewdpa.com